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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CHARLES V. REED,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendants.

CASE NO. C09-5677BHS/JRC

ORDER DENYING A MOTION TO
RECONSIDER

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16 This civil rights action has been referred to United States Magistrate Judge J. Richard
17 Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and Local Magistrate Judge Rules MJR3
18 and MJR4. One defendant, Michael Hughes, remains in this action. The remaining claim is
19 retaliation for filing grievances by placement in administrative segregation (ECF No. 33 R&R
20 adopted without objection ECF No. 34).

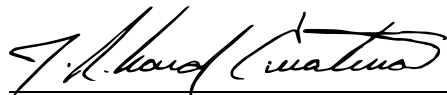
21 Plaintiff filed a motion to compel discovery that has been denied (ECF No. 71). He now
22 files a motion for reconsideration that is 11 pages long (ECF no. 72). Local Rule 7 (e) (1) limits
23 motions for reconsideration to six pages. Plaintiff has not filed a motion asking permission to
24 file an over length brief. This alone is reason to deny the motion. However, plaintiff has
25 combined a motion for reconsideration with a response to an order to show cause. His pleading
26 will be considered on the merits.

1 Plaintiff complains that he was not allowed to file an amended complaint. The record
2 shows that he filed a motion to amend his complaint on May 10, 2010 (ECF No. 25). The
3 motion was denied because plaintiff failed to provide the court with a copy of his proposed
4 amended complaint (ECF No. 31). Plaintiff only provided the first page of his amended
5 complaint and that page indicated the complaint was 40 pages long (ECF No. 25). Plaintiff
6 never cured this error and never filed a proposed amended complaint for the court to review.
7

8 Plaintiff argues that defendants failed to comply with discovery (ECF No. 72, page 2).
9 Defendants have responded to that allegation (ECF No. 67). Plaintiff's discovery requests dated
10 May 21, 2010 did not indicate who was being asked to respond. Thus, no particular defendant
11 was responsible for responding to the interrogatories and requests for production. Plaintiff
12 directed requests for admissions however, to defendant Hughes (ECF No. 67, page 2). Mr.
13 Hughes responded to these requests (id.). Subsequently, plaintiff resubmitted interrogatories and
14 requests for production directed at defendant Hughes. Defendant Hughes responded with
15 objections and then, subsequently with responsive documents. (id. at pages 2- 3). Therefore,
16 plaintiff has not demonstrated that defendant Hughes has failed to respond to discovery.
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18 Plaintiff attempts to recast the claims to this action in this pleading. The complaint in this
19 case was filed December 2, 2009 and that document controls what claims remain against
20 defendant Hughes. (ECF No. 4). Plaintiff fails to show the court's order denying his motion to
21 compel is incorrect. The motion for reconsideration is DENIED.
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23 DATED this 26th day of May, 2011.

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25 
26 J. Richard Creatura
United States Magistrate Judge